

रजिस्टर्ड नं० पी० ४६१



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, २८ सितम्बर, १९७३/६ आश्विन, १८९५

GOVERNMENT OF HIMACHAL PRADESH

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Simla-4, the 25th September, 1973

No. 4-2/71-CDP(PNT)-II.—In exercise of the powers conferred by section 163 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh proposes to make the following amendments in the Himachal Pradesh Panchayat Samitis Rules, 1971 and the same are hereby published in the Official Gazette for the general information of the public and a notice is hereby given that these draft amendments will be taken into consideration after 15 days from the date of its publication in the Official Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make, regarding these amendments, he can send the same to the Director of Panchayati Raj, Himachal Pradesh before the expiry of the above period. The objections or suggestions if any, so received will be taken into consideration before finalising these draft amendments in the aforesaid rules.

DRAFT AMENDMENTS

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| Short title and commencement. | 1. (1) These rules may be called the Himachal Pradesh Panchayat Samitis (First Amendment) Rules, 1973.
(2) They shall come into force at once. |
| Amendment of Rule 8. | 2. The word 'Notice' occurring in rule 8 of Himachal Pradesh Panchayat Samitis Rules, 1973 (hereinafter called the "said rules") shall be substituted with the word "Explanation." |
| Amendment of Rule 13. | 3. For existing sub-rule (2) of rule 13 of the said rules the following sub-rule (2) shall be substituted, namely:—
“(2) Copies of all available documents referred to in the report or the documents in original shall accompany the case.” |
| Amendment of Rule 15. | 4. For the existing clause (b) of sub-rule (3) of rule 15 of the said rules the following shall be substituted, namely:—
“(3) (b) offer terms of adjustment or suggest reference arbitration; legal advice should ordinarily be sought as to the form or terms of the proposed tender, adjustment or reference as the case may be, they are communicated to the opposite party and when once a suit has been instituted, no sum should be tendered, terms of adjustment offered or reference to arbitration suggested without taking legal advice.” |
| Amendment of Rule 23. | 5. The word “or” occurring in clause (b) of rule 23 of the said rules, between the words “not good” and “sufficient”, shall be substituted with the word “and”. |
| Amendment of Rule 31. | 6. The sub-rule (1) and (2) of rule 31 of the said rules shall be deleted. |
| Amendment of Rule 36. | 7. For the existing rule 36 of the said rules, the following rule 36 shall be substituted, namely:—
<i>Annual confidential reports of employees.</i> —“36. The rules for recording the annual confidential reports and conveying the adverse entries recorded in the reports of the employees of Panchayat Samiti other than Government servants and other matters relating to such annual confidential reports shall be the same as are applicable to the corresponding class of Government servants.” |
| Amendment of Rule 38. | 8. The existing rule 38 of the said rules shall be deleted. |
| Amendment of Rule 39. | 9. The existing rule 39 of the said rules shall be deleted. |

10. The fullstop “.” in existing rule 41 of the said rules, occurring at the end shall be substituted with “:” and the following proviso shall be added:
“Provided that no quorum shall be necessary for the adjourned meeting.” Amendment of Rule 41.
11. The existing rule 43 shall be substituted with the following rule 43:—
“43. The proceedings of the Panchayat Samiti shall be recorded in a register to be prescribed by the Director.” Amendment of Rule 43.
12. For sub-rule (4) of existing rule 44 of the said rules the following shall be substituted, namely:—
“(4) No resolution can be moved in respect of any matter subjudice in the court including the Nyaya Panchayats.” Amendment of Rule 44.
13. The existing rule 53 of the said rules shall be deleted. Amendment of Rule 53.
14. The word “matter” occurring in the existing rule 54 of the said rules shall be substituted with the word “matters” Amendment of Rule 54.
15. For sub-rule (3) of existing rule 56 of the said rules, the following sub-rule (3) shall be substituted:
“(3) After considering objections, if any, and taking decision thereon, the Panchayat Samiti shall forward them to the Director who may approve them but in the event of any modification proposed by him, the same shall be sent to the Panchayat Samiti for consideration. After examining the reply of the Panchayat Samiti, thereon, the Director may approve them as passed by the Panchayat Samiti or with modification as he may deem fit.” Amendment of Rule 56.
16. The words “To, The Chairman, Panchayat Samiti..... district.....Sir”, occurring in Form I appended to said rule shall be substituted with—
To,
The Chairman/Vice-Chairman, Panchayat Samiti.....District
...../Deputy Commissioner, District.....
Sir/Madam.” Amendment of Form I.

PRITPAL SINGH,
Under Secretary.

LAW DEPARTMENT CORRIGENDUM

Simla-2, the 26th September, 1973

No. 5-31/72-LR.—In sub-section (2) of section 4 of the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973), as published in the Rajpatra Extra ordinary dated the 28th July, 1973 vide this Department notification of even number, dated the 24th July, 1973 please read the word “of” for the word “and” occurring between the words “Sub-Tehsil Bharmaur” and the words “Chamba District”.

JOSEPH DINA NATH,
Deputy Secretary.

